

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

APRIL BOREN, individually on behalf of  
herself, and all others similarly situated,

Plaintiffs,

-against-

SAFEWAY, INC.,

Defendants.

Case No. 2:25-cv-00182-MJP

STIPULATION AND ~~[PROPOSED]~~ ORDER  
AMENDING Briefing Schedule on Plaintiff's  
Motion for Conditional Certification of Proposed  
Collective Action

**NOTE ON MOTION CALENDAR: August  
15, 2025**

**STIPULATION AND ~~[PROPOSED]~~ ORDER AMENDING BRIEFING SCHEDULE  
ON PLAINTIFF'S MOTION FOR CONDITIONAL CERTIFICATION OF PROPOSED  
COLLECTIVE ACTION**

COME NOW Plaintiff APRIL BOREN, individually on behalf of herself, and all others  
similarly situated ("Plaintiff") and Defendant SAFEWAY INC. ("Defendant"), hereby enter into the  
following stipulation based upon the following facts:

1. WHEREAS, on January 29, 2025, Plaintiff filed her Class and Collective Action  
Complaint, wherein she seeks to represent a proposed collective under the Fair Labor Standards Act  
(FLSA) defined as: "[a]ll hourly Department Managers, who worked over 40 hours in any workweek,

STIPULATION AND ~~[PROPOSED]~~ ORDER RE AMENDED  
BRIEFING SCHEDULE ON MOTION FOR CONDITIONAL  
CERTIFICATION

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and work or worked in Defendant's stores throughout Washington on or after three years prior to the filing of this complaint to the date of judgment of this action." [Dkt. No. 1, p. 4, ¶ 29] (hereafter referred to as "Proposed Collective Action").

2. WHEREAS, on April 9, 2025, Defendant unilaterally scheduled and issued deposition notices to Plaintiff April Boren and opt-in Plaintiffs Cassandra McMillen, Christina Blaylock, and Marcy Robinson<sup>1</sup>, which were scheduled for July 22, 2025, July 23, 2025, July 24, 2025, and July 25, 2025, respectively;

3. WHEREAS, on May 30, 2025, the parties filed a Stipulation and Proposed Order Setting Briefing Schedule on Plaintiff's Motion for Conditional Certification of Proposed Collective Action, which set the following briefing schedule on Plaintiff's anticipated Motion for Conditional Certification and the Court later issued an Order adopting this schedule: (1) July 17, 2025 – deadline for Plaintiff to file Motion for Conditional Certification; (2) August 18, 2025 – deadline for Defendant to file Opposition to Plaintiff's Motion for Conditional Certification; and (3) September 2, 2025 – deadline for Plaintiff to file her Reply Brief in Support of Motion for Conditional Certification [Dkt. Nos. 31 and 32];

4. WHEREAS, through further meet and confer efforts regarding the above depositions, the Parties subsequently agreed to hold Plaintiff April Boren's deposition on August 11, 2025, opt-in Plaintiff Cassandra McMillen's deposition on August 12, 2025, and opt-in Plaintiff's Christina Blaylock's deposition on August 15, 2025 and to extend the briefing schedule by one week to account for these deposition dates.

5. WHEREAS, on July 8, 2025, the Court issued an Order pursuant to the parties Stipulation and Proposed Order Modifying Briefing Schedule on Plaintiff's Motion for Conditional Certification of Proposed Collective Action, setting the amended schedule: (1) July 24, 2025 – deadline for Plaintiff to file Motion for Conditional Certification; (2) August 25, 2025 – deadline for Defendant to file Opposition to Plaintiff's Motion for Conditional Certification; and (3) September 9,

<sup>1</sup> Ms. Robinson has since withdrawn her opt-in notice to be a proposed collective member. See [Dkt No. 47]

2025 – deadline for Plaintiff to file her Reply Brief in Support of Motion for Conditional Certification [Dkt. No. 35];

6. WHEREAS, on July 30, 2025, upon learning from Boren that she could no longer submit for her deposition on August 11, 2025, and is unavailable to submit for her deposition until after August 22, 2025 due to an unexpected requirement to move her entire family, including her father, from Washington to Texas, counsel for Plaintiff informed Defendant of same, but expressed that Boren was willing to be deposed at a later date ;

7. WHEREAS, under the current briefing schedule on Plaintiff’s Motion for Conditional Certification, Defendant is unable to take Boren’s deposition before the current Opposition deadline.

8. WHEREAS, Plaintiff filed a Motion for Protective Order on August 8, 2025;

9. WHEREAS, due to the fact that it could not take Boren’s deposition prior to its Opposition Deadline, Defendant filed its Motion for Relief from August 25, 2025 Deadline to File Opposition to Plaintiff’s Motion for Conditional Certification and Request for Sanctions [see Dkt Nos. 44-46], which is noted for consideration on Friday, August 22, 2025;

10. WHEREAS, the Parties have agreed to, among other things, modify the briefing schedule on Plaintiff’s Motion for Conditional Certification and to modify certain other dates due to Boren’s unavailability.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the Parties, subject to the approval of the Court, as follows:

1. The briefing schedule shall be modified as follows: (1) Plaintiff’s Amended Motion<sup>2</sup> for Conditional Certification of her Proposed Collective Action is due to the Court no later than August 26, 2025; (2) Defendant’s Opposition to Plaintiff’s Motion for Conditional Certification of her Proposed Collective Action, or to Plaintiff’s Amended Motion for Conditional Certification if filed, is due to the Court no later than September 23, 2025; and

<sup>2</sup> Plaintiffs plan to add Plaintiff, Cassandra McMillan, as a lead representative. Defendant does not oppose Plaintiff’s addition of McMillan as a lead representative but reserves the right to dispute whether McMillan is appropriate to act as a lead representative on behalf of the proposed collective.

(3) Plaintiff's Reply Brief in Support of Plaintiff's Motion for Conditional Certification of her Proposed Collective Action, or of Plaintiff's Amended Motion for Conditional Certification if filed, is due to the Court no later than October 7, 2025.

2. Plaintiff Boren will submit for her deposition in person no later than September 9, 2025 on a mutually agreeable date in either Seattle, Washington or in Texas, at her preference. If she does not, the Parties agree to file a further stipulation with the Court to extend Defendant's Opposition deadline to Plaintiff's Motion for Conditional Certification, or Plaintiff's Amended Motion, by a commensurate number of days based upon the date she submits for her deposition should Boren remain in the case.
3. Defendant shall file a notice to withdraw its pending Motion for Relief from August 25, 2025 Deadline to File Opposition to Plaintiff's Motion for Conditional Certification and Request for Sanctions [*see* Dkt Nos. 44-46], upon an order being entered by this Court to extend the briefing schedule as set forth above.
4. The statute of limitations applicable to the FLSA claim asserted in the Complaint (hereafter, "Tolled Claim") shall be tolled<sup>3</sup> for four weeks, or twenty-eight days (the "Tolling Period"). No statute of limitations on the Tolled Claim shall run during the Tolling Period, however, this agreement shall have no force or effect as to the Tolled Claim of: (a) any proposed collective action member as to which the statute of limitations had run as of the date of the order is issued granting this stipulation; or (b) any individual who has already filed a consent to join. This tolling shall only operate by adding four weeks, or twenty-eight days, to the beginning of the statute of limitations period for any proposed collective action member who files a consent to join after an order is issued granting this stipulation.

<sup>3</sup> Plaintiffs reserve the right to seek equitable tolling of the statute of limitations beyond the parties' stipulation referenced herein. Defendant reserves the right to oppose any such request for equitable tolling. Nothing in this stipulation shall impact such argument by Plaintiff or Defendant.

5. Plaintiff agrees to waive all interest applicable to the claims asserted in the Complaint that would accrue under federal and/or state law (whether equitable, statutory, contractual or otherwise) during the Tolling Period, and the accrual of any and all interest applicable to the Tolled Claim shall be tolled during the Tolling Period.
6. Nothing contained herein shall constitute an admission by any party with respect to the merits of the claims or defenses, as relating to the Complaint.
7. Nothing contained herein shall not be deemed to limit or affect any defense based upon the statute of limitations, laches or any other limitations (whether equitable, statutory, contractual or otherwise) to the extent such defense could have been raised on or before the date of execution of this stipulation.

**IT IS SO ORDERED.**

Dated this 18th day of August, 2025.



MARSHA J. PECHMAN  
UNITED STATES DISTRICT JUDGE

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware

Dated: August 18, 2025

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Dated: August 18, 2025

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1 Dated: August 18, 2025

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18 SAFEWAY, INC.)

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